

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT J. ARCIELLO, FRANCIS J. GOREY, JR.,
DIANE MASTROPAOLO, GLEN F. TUIFEL,
DANIEL E. SPEICHER, LAWRENCE J. LOISELLE,
JOSPEH T. WHITTAKER, JAMES SHARKEY,
KIRK FOWLKES, JOHN CLOUDMAN, NICHOLAS
PALMESE, JOHN OCHWAT, and all others similarly
situated,

Plaintiffs,

- against -

Index No.: 16-CV-3974
(Spatt, J.) (Locke, M.J.)

COUNTY OF NASSAU, EDWARD MANGANO, in his
individual and official capacity, and NASSAU COUNTY
CIVIL SERVICE COMMISSION,

Defendants.

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State of New York)
 : SS
County of Nassau)

DECLARATION OF FRANCIS J. GOREY, JR.

Francis J. Gorey, Jr., being duly sworn, deposes and says the following is true and correct
under penalty of perjury:

1. I am over the age of 21, competent to testify, and if called to testify would do so with all
matters set forth herein.
2. I am one of the named Plaintiffs in this lawsuit.
3. I have been employed by the Defendants since January 5, 2007.
4. I am currently employed as a Deputy Sheriff in the Sheriff's Department.
5. There are approximately 8000 Non-Exempt Employees employed by the Defendants.

6. During my entire course of employment, I have performed overtime work in excess of my regularly scheduled work-week.
7. When I performed overtime work, Defendants failed to timely compensate me for the overtime hours that I worked under the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”).
8. I know that there are currently eleven other employees of the Defendants involved in this lawsuit with me, Robert J. Arciello, Diane Mastropaoalo, Glen F. Tuifel, Daniel E. Speicher, Lawrence J. Loiselle, Joseph T. Whittaker, James Sharkey, Kirk Fowlkes, John Cloudman, Nicholas Palmese and John Ochwat, who are also not compensated for their overtime hours worked in a timely manner under the FLSA and NYLL.
9. I am the Unit Vice President of the Sheriff’s Department for the Civil Service Employees Association, Local 830, AFSCME Local 1000, AFL-CIO (CSEA).
10. To the best of my knowledge, all of the employees in the Sheriff’s Department CSEA bargaining unit are employed by Defendants.
11. The employees in the Sheriff’s Department CSEA bargaining unit regularly perform overtime work for Defendants in excess of their regularly scheduled work-week.
12. To the best of my knowledge, during the course of my employment with Defendants, Defendants have never timely compensated any of the employees in the Sheriff’s Department under the FLSA and NYLL.
13. It is known throughout the department that no one is timely compensated for their overtime hours performed under the FLSA and NYLL. I regularly have discussions with other employees in the Sheriff’s Department regarding overtime and I know that they are not timely compensated for their overtime hours worked.

14. Therefore, Defendants' failure to timely compensate all non-exempt employees for their overtime hours worked is a violation of the FLSA and NYLL
15. Defendants' actions in violating the FLSA and NYLL has amounted to a common practice throughout all departments employed by Defendants.
16. All non-exempt employees, both currently employed and those employed within the last six years prior to the commencement of this lawsuit on July 18, 2016, are adversely affected by the Defendants' continued failure to timely compensate for overtime hours worked.

WHEREFORE, your deponent requests this Court grant the instant application for Class Action certification and set forth the manner in which all members are to be notified.

Dated: September 6, 2018



Francis J. Gorney, Jr.

Sworn to before me this
6TH day of September, 2018



Susan Chodkowski

Notary Public

